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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W. P.(S) No. 1870 of 2007**

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| Petitioners | 1. | Kumari Jastina Ekka (after marriage Smt. Jastina Minj, W/o Suman Minj, aged about 38 years, working as Assistant Teacher, Government Primary School – Jharabdeeh, Tah. Sarangarh, Distt. Raigarh (C.G.) (Sl. No. 34 of Annexure P-1) |
| | 2. | Lakhan Lal Kanwar, son of Shri Shyam Sundar, aged about 40 years, working as Assistant Teacher, Gocernment Primary School – Chhatadeyee, Sarangarh, Distt. Raigarh (C.G.) (Sl. No. 52 of Annexure P-1) |
| | Versus | |
| Respondents | 1. | State of Chhattisgarh, through the Secretary, Department of School ducation, Dau Kalyan Singh Bhawan, Raipur (C.G.) |
| | 2. | Distt. Education Officer, District, Raigarh (C.G.) |
| | 3. | Block Education Officer, Block Sarangarh Distt. Raigarh (C.G.) |

**SB**: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

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*Present:* *Shri Harish Khuntiya, Advocate for the petitioners.*
Shri Vinay Pandey, Panel Lawyer for the respondents.

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**ORDER**

(Passed on this 29th day of March, 2007)

1. The petitioners were appointed in the pay scale of Rs. 1200 – 2040 vide order dated 18.7.1995 but during the course of two years probation they were paid fixed pay of Rs. 1200/- p.m. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and

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56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Madan Singh Vs. State of Chhattisgarh & others (W.P. (S) No. 5742 of 2006) by order dated 27-10-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Madan Singh (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur